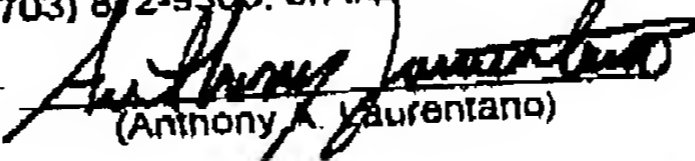


I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: August 6, 2004

Signature


(Anthony A. Laurentano)Docket No.: TGZ-001A
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Sebastian Böhm *et al.*

Application No.: 10/028,852

Filed: December 21, 2001

For: MICROFLUIDIC SYSTEM INCLUDING A
VIRTUAL WALL FLUID INTERFACE PORT
FOR INTERFACING FLUIDS WITH THE
MICROFLUIDIC SYSTEM

Confirmation No.: 3328

Art Unit: 1743

Examiner: B. J. Sines

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RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed July 13, 2004 (Paper No./Mail Date 20040625).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I – Claims 1-150, drawn to a microfluidic device, classified in class 422, subclass 100;

Group II – Claims 151-164, drawn to a liquid volume in injection system, classified in class 422, subclass 100;

Group III – Claims 165-178, drawn to an electrokinetically-operated microfluidic system, classified in class 422, subclass 100;

Group IV – Claims 179-181, drawn to a microfluidic device, classified in class 422, subclass 100;

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Group V – Claims 182-185, drawn to a microfluidic device, classified in class 422, subclass 100;

Group VI – Claims 186-189, drawn to a microfluidic device, classified in class 422, subclass 100; and

Group VII – Claims 190-196, drawn to a microfluidic device, classified in class 422, subclass 100;

Accordingly, Applicants hereby elect, with traverse Group I, claims 1-150 for continued examination.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, a single, searchable, unifying aspect, *i.e.*, a fluid interface port formed in the side wall of a microchannel, links all of the claims of Groups I-VII. All of the claims of Groups I-V and VII further recite a fluid interface port that is sized and dimensioned to form a virtual wall when filled with a fluid. Furthermore, the claimed subject matter is classified in the *same* class and subclass, providing support for the Applicants' position that the inventions are not independent. Therefore, the claims of at least Groups I-V and VII are closely related, dependent inventions.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of Groups I-VII can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rel. 78A, August 2001).

That is, even if the groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same

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application. This is especially true inasmuch as Groups I-VII share the same classification, i.e., class 422, subclass 100.

In view of this identity of classifications, and the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in a single application.

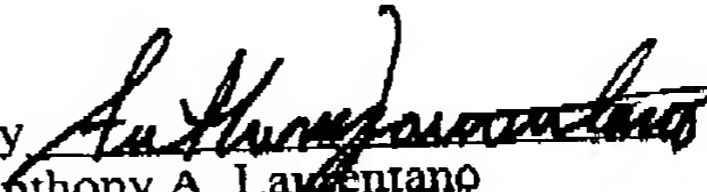
Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group I (claims 1-150). Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400. Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TGZ-001A from which the undersigned is authorized to draw.

Dated: August 6, 2004

Respectfully submitted,

By 
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